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10/085,910	02/28/2002	Tommi Auranen	04770.00039	1183

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EXAMINER

TORRES, MARCOS L

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 06/25/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/085,910

**Applicant(s)**

AURANEN ET AL.

**Examiner**

Marcos L. Torres

**Art Unit**

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2,3,4,5,6,8,9.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Jonsson.

As to claim 1, Jonsson discloses a method for receiving at a mobile terminal a service signal formatted as a series of transmission bursts (see col. 8, lines 46-57), the service signal provided by each of a plurality of wireless transmitters (see col. 9, lines 45-53), said method comprising the steps of: receiving a first service signal broadcast by a first wireless transmitter at a first frequency (see col. 7, lines 20-48); if said first service signal meets a first predefined criterion (see col. 10, lines 3-10), deriving signal data from a second service signal broadcast by a second wireless transmitter (see col. 10, lines 11-15); and if said signal data from said second wireless transmitter meets a second predefined criterion, switching reception from said first wireless transmitter to said second wireless transmitter after a first service signal transmission burst has been received (see col. 10, line 3 - col. 11, line 45).

As to claim 6, Jonsson discloses a method wherein said first criterion is met if a receiver signal strength value for said first service signal measured by

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the mobile terminal is less than a predetermined value (see col. 9, lines 9-20; col. 10, lines 3-55).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Janky.

As to claim 2, Jonsson discloses everything claimed as explained above except for the method wherein said first and second wireless transmitters are synchronized. Janky discloses the method wherein said first and second wireless transmitter are synchronized (see col. 3, lines 62-67). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine both teaching for the simple purpose of enhancing the reception.

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6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Ahopelto.

As to claim 3, Jonsson discloses everything claimed as explained above except for the step of stripping encapsulation from said first signal after receipt by the mobile station. Ahopelto discloses the step of stripping encapsulation from said first signal after receipt by the mobile station (see col. 9, lines 28-30).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to add this teaching for the simple purpose of using the data.

7. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Ahopelto as applied to claim 3 above, and further in view of Bahr.

As to claim 5, Jonsson discloses a method further comprising the step of sending said first service signal to an application processor for conversion (see col. 5, line 40 - col. 8, line 24). Jonsson do not specifically discloses a conversion to a data packet. Bahr discloses a conversion by a processor to a data packet (see col. 4, lines 45-64). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine this teaching for improved network bandwidth management.

As to claim 4, OFFICIAL NOTICE IS TAKEN THAT the use of several synchronized transmitters is a common and well-known technique used in several wireless communication standards such as GSM and TDMA. Also, the EN 301192 is a common and well-known standard. Therefore, it would have

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been obvious to one of the ordinary skill in the art at the time of the invention to use such standards in the Jonsson system for the simple reason of compatibility.

8. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Nguyen.

As to claims 7 and 8, Jonsson discloses a method wherein said first and second is met by been greater or smaller than a predetermined value (see col. 10, lines 3-55). Jonsson does not specifically disclose criterion is a bit error rate. Nguyen discloses were the criterion is a bit error rate and deriving it from the signal (see col. 7, line 39 - col. 8, line 14). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine this teaching with the Jonsson system for an even quality of communication.

9. Claims 9, 11-16, 18, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Makinen.

As to claims 9, 12-16, Jonsson discloses a mobile terminal suitable for receiving information from a plurality of wireless transmitters, said mobile terminal comprising: a digital broadcast receiver for receiving at least a first portion of the information as a first transmission burst, said first transmission burst broadcast by a first wireless transmitter; and means for switching reception from the first wireless transmitter to a second wireless transmitter after reception of said first transmission burst has been completed (see col. 5, line 40 - col. 11, line 42). Jonsson does not specifically disclose an elastic buffer in the receiver. Makinen discloses an elastic buffer in the receiver (see col. 2, line 59 - col. 3, line 14). Therefore, it would have been obvious to one of the ordinary skill in the art at

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the time of the invention to add this teaching to the Jonsson apparatus for a reliable reception of data even if the timing are not precise.

Regarding claim 11, Jonsson discloses the mobile terminal further comprising means for deriving a received signal strength indicator value for said first transmission burst (see col. 10, lines 30-38).

As to claim 18 and 23, Jonsson discloses a method wherein said first criterion is met if a receiver signal strength value for said first service signal measured by the mobile terminal is less than a predetermined value (see col. 9, lines 9-20; col. 10, lines 3-55).

10. Claims 10, 19-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Makinen as applied to claims 9, 11-16, 18, 21 and 23 above, and further in view of Nguyen.

As to claims 10, 19-20 and 22, Jonsson discloses a method wherein said first and second is met by been greater or smaller than a predetermined value (see col. 10, lines 3-55). Jonsson does not specifically disclose criterion is a bit error rate. Nguyen discloses were the criterion is a bit error rate and deriving it from the signal (see col. 7, line 39 - col. 8, line 14). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine this teaching with the Jonsson system for an even quality of communication.

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jonsson in view of Makinen as applied to claims 9, 11-16, 18, 21 and 23 above, and further in view of Doshi.

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As to claim 17, Jonsson discloses a transmitter and encapsulating a transmission burst as mentioned above. Doshi discloses a transmitter using more than one protocol (see abstract). Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to combine this teaching for compability purpose.

***Conclusion***

Any response to this Office Action should be mailed to:

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PO Box 1450  
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Or faxed to:

(703) 703-872-9306

For formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Crystal Park II  
2121 Crystal Drive  
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L Torres whose telephone number is 703-305-1478. The examiner can normally be reached on 8:00am-5:30pm alt. friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marcos L Torres  
Examiner  
Art Unit 2683

Mlt



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